

**General Plan 2020
Interest Group Committee Meeting Minutes
March 25, 2003**

Interest Group Committee:

Al Stehly	Farm Bureau
Bruce Tabb	Environmental Development
Carolyn Chase	SD Coalition for Transportation Choices
Dan Silver	Endangered Habitats League (<i>Note: Proxy for C-3</i>)
Dave Shibley	Save Our Land Values
Eric Bowlby	Sierra Club
Greg Lambron	Helix Land Company
Jim Whalen	Alliance for Habitat Conservation
Karen Messer	Buena Vista Audubon Society
Liz Higgins	SD Association of Realtors
Matt Adams	Building Industry Association
Mike Stepner	SD Regional Economic Development Corp.
Mike Thometz	Back Country Coalition
Phil Pryde	SD Audubon Society

Public at Large:

Almeda Starkey	
Brent McDonald	Caltrans
Carol Leone	
Charlene Ayers	
Dutch Van Dierendonck	Ramona CPG
Jeanne Pagett	
Jeffery Pasek	
Mary Allison	USDRIC/EDPDA
Parke Troutman	UCSD
Patti Kreb	
Paul Gebert	SD County Water Authority
Ron Pennock	ECCC
Ron Wootton	SLRD-Vessels/Bonsall
Scott Molloy	Molloy Eng. & Analysis
Suzanne McKenna	SDAR

County Staff:

Karen Scarborough (DPLU, group facilitator)
Gary Pryor (DPLU)
Ivan Holler (DPLU)
LeAnn Carmichael (DPLU)
Michelle Yip (DPLU)
Tom Harron (County Counsel)
Glenn Russell (DPLU)

Announcement –

- Scarborough stated that the document on the open space subdivision is just for reference purposes; it is not on the agenda as it has not been updated with all the comments taken at the last meeting.

Agenda Item I: Logistics –

a) Minutes for March 11, 2003

- Shibley corrected a statement (pp. 3, 2nd bullet): did not want to infer that FEMA has any rights to regulate our land since land use is a local thing; FEMA just sets up guidelines whereby if you adopt those, then there are regulations in there that we can use.
- Shibley corrected a statement (pp. 4, 1st paragraph): stated there are concrete channels throughout the County. In certain places, where buildings existed prior to FEMA (did not come into existence until 1968), those areas have flood channels that can protect those buildings rather than tear them down and relocate them.
- Bowlby questioned the notion of a vote in the January 28th minutes. States there was no vote taken but rather, a discussion occurred where the group said our votes are our votes. Scarborough stated that we may need it documented differently so it reflects that the group had agreed to have existing votes “stick”; that we were not going to re-vote on them as a package because the group concurred that we had voted on them individually and that we would all stick with those votes. Thought she did try to portray there was a general agreement and they were not all unanimous to the Planning Commission. The tapes will be reviewed to see whether a vote or consensus was taken at that meeting.
 - ✓ No vote was taken at the January 28th meeting on the Goals and Policies. A consensus was reached as noted above.
- Bowlby corrected a statement (pp. 3, 4th bullet) to read: *...15 – 30 feet setbacks from the floodplain...Bowlby agreed that RPO was strong for wetlands and supports the Steering Committee’s proposed standard on floodplains. Also commented that the only encroachment that should be allowed on floodplains should be the maximum necessary to avoid taking all economically viable use of the property.*
- Bowlby corrected a statement (pp. 5, last bullet) to read: *Shibley is correct in saying that community groups will complain because they want large parcels. Clarified that community groups will want large parcels to avoid future increased development but if you leave a gap, that would allow for a GPA to come forward and increase development. Need to look at mechanisms to compensate population increases if there is no yield reduction formula.*
- Bowlby stated that pp. 6, 3rd bullet could be stricken since it was made clear in previously. If not, it should read: *population targets will increase in the unincorporated areas unless we attach some type of balance.*
- **Motion:** Shibley moved to approve. Whalen seconded. Motion passed with two abstentions.

Agenda Item II: Standards –

- Holler stated that the discussion has been to utilize the existing RPO standards with potential change related to slope. The question has come up regarding the relationship of the matrix on open space subdivision and the existing RPO standards. Existing RPO standards would do essentially what they do today and function in the same way, in that development must avoid certain areas, e.g. floodways and wetlands. This other type of subdivision would allow you to have greater flexibility with what you can do with today’s type of development with the larger lot sizes.
- Holler introduced Glenn Russell, one of the managers in the resource planning section. In that capacity, he reviews development cases and is familiar with how we consider floodplain areas. He is here to give an overview of the context of the current RPO standards.
- Russell stated that from his experience, he has found that how close development can get to the floodway is not really determined by the floodway setback of 15% or 100 ft. maximum, but rather by the

habitat, the wetland, and the wetland buffer. Brought an exhibit that shows the lakes, rivers, and wetlands to give a general idea of where our streams are. Silver asked if there were studies done that would address the impacts downstream of floodplain fringe development in terms of erosion, flooding, etc. Russell replied yes, as long as a drainage and hydrology study includes a hectu study, as the hectu study addresses what happens to downstream water levels. The County would not support a proposed development that showed an impact to downstream.

- Holler stated that there is a section in RPO that says the floodway shall include all areas necessary to pass the 100-year flood without increasing the water service elevation more than one foot. We have talked about a 15% setback based on the width of a floodway. If this is a traditional area of a floodway, in a 100-year flood, you might actually get a river that would come out of the normal channel and take out the floodplain areas. Essentially, you might get a floodway that has to carry this volume of water with no more than a one foot increase and that would be the floodway as defined by RPO. Looking at this type of scenario, you begin to look at 15% of this is a lot different from 15% of the distance.
- Shibley stated that he is in favor of what is in RPO because there is a need for flexibility in certain areas where you have channels that are not constrained.
- Messer asked what the impact on the ground would be if the floodway standard of 100% protection were in place. Russell responded that some of the developments that he has processed in permits would not have been allowed.
- Silver asked what is lost in hydrologic function if you allow building in the floodplains, even with the stormwater regulations in place. Asked whether the County should be adopting state mandated stormwater protection as an ordinance if we are to rely on them. Pryor replied that RPO was set up to convey the 100-year storm and not have hydrologic impacts - that is what you see when it said figure out how far you have to go out to the normal flow channel when you have the 100-year storm, you can only raise that one foot. Additionally, you have a setback of 15% of that width. Groundwater recharge is lost in the area where your fill occurs but normal flow is still in the channel. The riparian area is going to probably carry the majority of habitat so it is additionally protected by RPO. RPO was set up to carry the normal flow, accounting a 100-year storm event, give a buffer of 15% and allow for some development on the fill, which is considered a safe standard. 100% protection means you cannot build, change or touch anything, which may increase flood, etc. Also, there would be no economical use if the land is not suitable for agriculture so this tries to reach a balance between protecting property rights and still accommodating the flood flow and allowing for protection.
- Silver asked whether the County should incorporate each of the water quality stormwater standards into a revised RPO. Pryor responded that the County has modified their stormwater ordinance to make provisions for pollution load that can go in and requirements for best management practices to ensure there is not an increase in volume or velocity.
- Holler mentioned that RPO limits five specific rivers to less than a one foot increase to a two-tenths of a foot increase: San Luis Rey, San Dieguito, San Diego, Sweetwater, and Otay. These are the highest standards.
- Pryde asked what would prevent someone from putting in a concrete channel. Pryor replied that the highest priority or number one method of conveyance in the new stormwater ordinance that was adopted with the stormwater permit is without a channel or as close to a natural state as you can leave it. If there needs to be fill, it has to be the minimum amount. Concrete can only be used as a last resort and that is primarily where you have existing urban areas like Lakeside or Spring Valley, where they tend to use the pipe system. Carmichael added that under the floodway in RPO, no use shall be permitted that will substantially harm the particular values of the floodway area and that modifications to the floodway must meet all of the criteria listed, which lists that concrete or rip-rap flood control channels are allowed only when findings are made that completion of the channel are necessary to protect existing buildings from a current flooding problem; it has other criteria as well.
- **Motion:** Whalen moved to support the use of the existing RPO for floodways and floodplains. Shibley/Higgins seconded the motion. Whalen mentioned that Table 3-5 in the MSCP has requirements for floodways and floodplain fringe (particular to arroyo toad), which is evidence that there is existing protection for not only floodways but also floodplains.
- **Amendment:** Whalen moved to support the use of the existing RPO for floodways, floodplains, wetlands and biological resources.
- Silver stated that he could support the motion with a couple of caveats: 1) the group agreed to defer the discussion on bio resources to when we have this other discussion in the context of the MSCP North or

whatever it might be in the future, and 2) is the package – it has to go with everything else we have been talking about, the open space subdivision.

- **Amendment:** Support the use of the existing RPO for floodways, floodplains, wetlands and biological resources. It is noted that the existing RPO will be supported for biological resources until the deference of the discussion within the context of the North County MSCP.
- Pryde was concerned about the inclusion of biological resources in the motion and requested to have it separated out. Pryor replied that if you are objecting to this to change the mitigation ratios, that would need to be done under the MSCP discussion and not here.
- Chase explicitly stated that a vote on this is not going to be seen as an endorsement of the standards as what the group has discussed as the right habitat standards for the county where MSCP has not yet been adopted. Pryor replied that these standards are going into a separate ordinance that will be crafted as a companion to implement the general plan. All this does is serve as guidance for us at this point in time as we try to go through trying to establish the land use pattern.
- **Vote:** Scarborough clarified the motion: The Interest Group recommends that the Board support the existing County standards on floodways, floodplains, and wetlands and that the group is deferring the discussion on modification on the biological resources to the MSCP conversation. In the interim, the existing numbers apply. 12 – 1 – 1 (Bowlby opposed, Coombs abstained).
- Holler mentioned that steep slopes has been the one section of the RPO where there has been discussion of changing the standards and more specifically, with respect to yield reductions that are contained in the Land Use Element, as well as the reference in the RPO. The only place that a yield reduction is mentioned in the RPO is with respect to slope. There are two issues with slopes; there is the yield reduction and an encroachment issue. The matrix on open space subdivision is not a final document. If you were to develop pursuant to whatever the final iteration of this comes out to be, as long as development is in conformance to that, then you would not have the yield reduction for steep slopes that are contained in the RPO. Handed out potential RPO modifications.
- Shibley asked how the open space subdivision differs from normal subdivisions subject to RPO. Holler replied that the big difference is that this decouples the lot size and designing ordinance from the density in the general plan. The concept is that there is a required percentage of open space in order to qualify for this. Those numbers are what the group has asked staff to re-evaluate. Shibley stated that the problem with that is once you put a limitation on a percentage, you have defeated your purpose of decoupling lot size. If you cannot meet it, then you cannot get the density.
- Chase stated that the environmentalists would have an issue with the terminology of “no limit on encroachment” under B because it is overly broad. There are probably going to be some limits on encroachment so she does not think it is the correct language. There have been discussions that there may be yield reductions because of the engineering of the site because of the interaction of the grading ordinance and therefore it is not accurate to say that there are no limits because there are limits in other conflicting ordinances. The point is, you do not have to reduce your yield and you can encroach into those slopes if it is the least environmentally sensitive and that is not the same as saying there are no limits on encroachment.
- Silver stated that he thinks B (*No limit on encroachment if steep slopes are determined to be least environmentally sensitive portion of the site*) is the better choice because you are determining whether you will encroach in the slopes or not when you analyze the least environmentally sensitive portion of the site.
- Whalen proposed two language alternatives: 1) strike-out “increased” in A (*Increased encroachment allowed if steep slopes are determined to be least environmentally sensitive portion of the site*) and “no limit on” in B; and 2) select B but say “Encroachment to accommodate site development footprint if steep slopes are determined...” or “No limit on encroachment to accommodate site development footprint...” Prefers the former suggestion of striking “increase” and “no limit on”.
- **Motion:** Whalen moved to adopt either suggestion: 1) strike-out “increase” and “no limit on” in A and B respectively, or 2) re-write B to “No limit on encroachment to accommodate site development footprint if steep slopes are determined to be the least environmentally sensitive portion of the site.” The latter proposal is on the table. Messer seconded the motion.
- Bowlby asked why the open space is not identified as a habitat conservation easement as opposed to an open space that is open to any of the options listed in the chart, including agriculture, since in some cases, the open space may be a wildlife corridor. Asked if the motion could include language identifying

the open space. Pryor replied that the appropriate easement would be applied depending on what that easement is trying to accomplish. The appropriate easement would be applied on a case-by-case basis. The issue before you is whether you are going to modify the current RPO standards for steep slopes which has a density reduction and a very rigid parcel size attached with that and whether or not you are going to allow encroachment in those steep slopes if it is the least environmentally sensitive portion of the site. Everything else that you are talking about will be in a separate ordinance.

- Bowlby asked if the motion could include a balance mechanism so that we do not wind up with an increased population number when we eliminate the yield reduction formula for steep slopes. Pryor replied that the applied density stays with that parcel regardless of how you configure it but you never get to use this particular provision to increase the number of rooftops. If you have 10 acres with some steep slopes and are allowed 1 du/ac, then you get 10 dwelling units; if you use a half-acre lot, you still get 10. Bowlby responded that Holler had mentioned that it does increase the number of the overall general plan by 10,000 people. Pryor replied that you are asking us to reduce designations and classifications in order to meet a target population, which is not a fixed number and was used as a target because it was a reasonable growth that the county could expect.
- Pryde felt the motion was a bit convoluted and wanted a simpler motion. Stated he could support Whalen's motion of A but not B.
- Silver was concerned over grading restrictions. If you cut and fill, you may be able to put in 10 units but only eight if you did sensitive grading. There is a need for sensitive design; proposed to add "Unit yield in steep slope areas may be limited by sensitive grading considerations".
- Whalen asked whether the County is going to have ordinances that govern the way grading is done. Pryor replied yes and that the group should not be getting into that level of discussion because it is ordinance language which needs to be debated separately. If you use an open space subdivision, it is possible to reduce the lot size in order to maintain your density and still have sensitive grading since we are proposing to decouple density from lot size. It is a design feature and for that kind of dialogue, we need to get into the actual ordinance that will establish the hierarchy of how do you protect and get a good design.
- Shibley proposed changing the language in A to "Encroachment allowed in steep slopes to achieve assigned density based zoning". Stated that conservation and environmentally sensitive areas are not the issue and should be taken out since all you really want is the ability to go in and achieve density and be able to grade into the slopes.
- Lambron stated that he supports B because you want enough flexibility to site your homes. Looks at this as something that will provide the maximum flexibility in achieving the least environmentally sensitive area, as well as, leave enough density and have a project that works.
- Tabb stated that he would support the language in the motion along with A, recognizing that this is a key component in implementing the open space subdivision. Added that there needs to be flexibility in order to achieve the kind of open space we are talking about.
- Chase suggested to table the motion because she felt the developers were not addressing Silver's issue of accepting yield reductions due to grading considerations. She feels the motion does not set the right standard for future development because it is not incorporating the issue that there may be cases where units may be reduced due to grading. Scarborough responded that the detail Silver was alluding to was within the grading ordinance, which is separate from the standards issue.
- **Amendment:** Messer proposed "No limit on encroachment to accommodate site development footprint, subject to grading ordinances, if steep slopes are determined to be the least environmentally sensitive."
- Shibley asked what happens if the slope is the only environmentally sensitive area on the whole property; asked whether you would still be allowed to go into the slope to get your yield if that is the only area left. Pryor replied that that is a matter of design.
- Silver agreed with Messer's proposed language change. Thought the group should move forward recognizing that 1) how you factor in things to determine the least sensitive becomes important and 2) that you need to understand how these things interact with one another. Added that if we agree to this motion, the footprints have got to be very strong.
- Whalen requested to discuss the note at the bottom; thinks it should be deleted. Scarborough asked if the motion included the modified language under yield reductions; we are also saying no yield reduction for steep slopes for the open space subdivisions.
- Silver suggested adding "subject to grading ordinances" to the yield reduction language. Tabb responded that yield reductions are not applicable to grading so it does not make sense to add the

language. Pryor replied that in the general plan, you are not going to make decisions to subtract things but rather say here is your designation with a density on it. There will be a series of codes and ordinances, like RPO, which are still going to trigger whether the site may be too constrained to actually get a full yield.

- Messer stated that she agreed with Tabb's technical comment that the existing computation of yield reduction does not apply in this circumstance, however, the existing technical computation will be gone under this new language and in the future, people may understand this in the more general sense. Chase was concerned that by saying no yield reductions, people will understand that to mean we cannot reduce their yield because the grading ordinance says they do not get a yield reduction. Pryor replied that this is a focus on grading permits but there are other kinds of ordinances that could in fact result in a yield reduction. Proposed "No yield reductions for steep slopes for open space subdivisions except as a result of adopted codes or ordinances". Added that there will be situations where a site is so constrained that even with good design, it will not get full yield but will be much closer because of the ability to decouple lots and make the density; if you have a site that is so constrained that you have to go to a six-story building, you are not going to get your yield simply because you cannot get fire protection. There will be situations where the codes and ordinances may in fact result in a loss of yield.
- Adams was concerned about not receiving anything absolute in exchange. Messer replied that there will be decoupling which will give the assurance of flexibility. Adams stated that there are absolutes on the open space requirements, lot size and footprints but no absolute on what your yield is going to be. Messer replied that is has never been the [environmentalists] position that you absolutely get your units but rather, environmental constraints or some other constraint may in fact reduce your yield.
- Shibley asked if there will be any other types of subdivisions besides the open space subdivision. Pryor replied yes; there will be a standard subdivision where you go through your division as you do today, as well as, the ability to go through a clustered project, which allows you to go down to smaller lots in order to maximize what usable land you do have. There are other options available. Messer was concerned about these other options because they have been working under the premise that this is the way to go.
- Scarborough asked Whalen if he wanted to include Pryor's language in the motion. Chase thought it would be more useful to separate the two issues out. Messer asked for County Counsel's opinion. Harron replied that he thought it was confusing and those who would have to administer it after it is passed would have no clue as to what they are supposed to do; we give with one hand and take away with the other.

Agenda Item IV: Process –

- Scarborough brought up the issue of potentially meeting every three weeks instead of two.
- Board hearings will be on May 7th and 21st.

Agenda Item V: Public Comments –

- Almeda Starkey – Asked if there were minutes to the breakout meetings since the public cannot attend the sessions. Scarborough replied that they are not official sessions of the Interest Group so there are no minutes. They are just conversations to aid and expedite the Interest Group's discussion in a public setting; there are no conclusions at those meetings. Starkey asked if this group plans on prioritizing the carrying capacity as noted to the Planning Commission as being road access, topography, water resources, etc. Harron replied that we cannot give priority to one interest over the other as they all have to be equal.